

The great Chief Justice proceeded upon the logical formula that in construing the Constitution the people were the major premise, the nation the minor premise, and a vital and flexible Constitution the conclusion. In this he was the great prophet of national life. He blew upon the Constitution the breath of life, vitalized its dullness, clothed its nakedness, and made it a living spirit, responsive to the recurring needs of an onward-going people.

Let me cite another instance of the growth of the Constitution under the magic touch that awakens implied powers. It was while the thunder of artillery roared and the battalions of blue and gray were marching in the horrid strife of civil war, when the people's coffers were empty and the Nation's treasury depleted, when the great question of the validity of the legal-tenders act came before our highest tribunal. No man, learned lawyer or simple layman, believed that the Constitution anywhere said that a rude paper-promise to pay money was money; then how could Treasury notes be made legal tender in payments of debts? Here, again, the court said that the Constitution was the handiwork of the people; that they had built the Nation; that the right to live implied the right to provide the means of life, and that the validity of the legal-tender act could be implied from any distinct provision of the Constitution, or from them all together.

Space forbids me to speak of the Insular cases, the extension of constitutional and extra-constitutional powers to far-distant islands of the seas, and numerous other decisions, by which the court has unfolded the Constitution like a mighty scroll, and made it cover the far-reaching and ever-changing interests of the American people.

And the Congress has added its tremendous weight and used its prodigious powers to further the work of enlargement and expansion of federal powers. It has embarked in activities undreamed of by the fathers. With that restless spirit of conquest and ambition for enterprise which suffers no restraint, it has added to the national domain the glittering islands of the seas, yet nowhere in the Constitution is there a hint of authority to acquire non-contiguous territory.

A few years ago Congress sent ship loads of provisions to the starving people of Ireland, a British possession; some years later it sent \$200,000 to the earthquake-stricken people of the